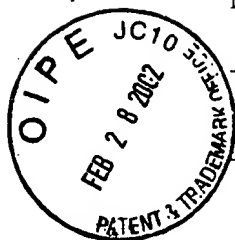


I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on February 19, 2002

Name of Registered Representative:



John C. Freeman  
John C. Freeman, Reg. No. 34,483

February 19, 2002  
Date of Signature

PATENT  
CASE NO. 56/349

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application: )  
)  
Erich Strasser )  
) Group Art Unit: 2878  
)  
Serial No.: 09/785,800 )  
) Examiner: unassigned  
Filed: February 16, 2001 )  
)  
For: POSITION MEASURING DEVICE )  
AND METHOD FOR OPERATION )  
OF A POSITION MEASURING )  
DEVICE )

RECEIVED  
MAR - 5 2002  
TECHNOLOGY CENTER 2800

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In compliance with Applicant's duty of disclosure under 37 C.F.R. § 1.56 and in conformance with 37 C.F.R. §§ 1.97-1.98, Applicant hereby submits the following references for consideration by the Examiner. Copies of the references are enclosed along with a completed copy of Form PTO-1449.

## **I. DISCLOSURE**

### **A. U.S. Patents**

<b><u>Patent No.</u></b>	<b><u>Inventor</u></b>	<b><u>Issue Date</u></b>
4,360,730	Breslow	11/23/82
5,973,620	Holzapfel et al.	10/26/99
6,018,881	Spies	02/01/00

### **B. Foreign Patents**

<b><u>Reference No.</u></b>	<b><u>Country</u></b>	<b><u>Pub. Date</u></b>
2-36313	Japan	02/06/90
0 836 080	EP	04/15/98
0 849 566	EP	06/24/98

### **C. Literature**

1) Patent Abstracts of Japan, Vol. 14, No. 191 (P-1038), April 18, 1990, regarding Japanese publication 2-36313, published on February 6, 1990, pp. 83-88.

## **II. DISCUSSION**

### **A. U.S. Patent No. 4,360,730**

The '730 patent was cited as an X-type reference in a Search Report for a corresponding European patent application. An X-type reference is pertinent when taken alone.

### **B. Japanese Reference No. 2-36313**

Based solely on the drawings and the attached English-language Abstract, the '313 reference is pertinent because it appears to disclose a using A-phase and B-phase signals obtained from a magnetic sensor to adjust a gap for a magnetic encoder.

The '313 reference and the Patent Abstracts of Japan reference were each cited as a Y-type reference in a Search Report for a corresponding European patent application. A Y-type reference is pertinent when combined with one or more Y-type references.

**C. European Reference No. 0 836 080**

Based solely on the drawings, the '080 reference is pertinent because it appears to disclose a control device with markings 9 and 11.1-11.2. It is believed that U.S. Patent No. 5,973,620 corresponds to the '080 reference.

The '080 reference was cited as a Y-type and A-type reference in a Search Report for a corresponding European patent application. An A-type reference provides technical background and is not pertinent to patentability.

**D. European Reference No. 0 849 566**

Based solely on the drawings, the '566 reference is pertinent because it appears to disclose a magnetic graduation that is scanned by a scanning element. It is believed that U.S. Patent No. 6,018,881 corresponds to the '566 reference.

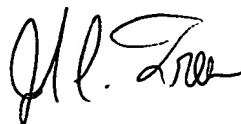
The '566 reference was cited as an A-type reference in a Search Report for a corresponding European patent application.

**III. CONCLUSION**

It is believed that none of these references, alone or in combination, disclose or suggest the invention claimed. However, Applicant wishes to make it clear that the disclosure of the above references is in no way an admission that they qualify as prior art. It is Applicant's desire, however, to have these references available in the record for both the Examiner and the public to

see. Applicant therefore requests that the Examiner review the entire disclosure of each reference and make the above-listed references of record.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J.C. Freeman", written in a cursive style.

John C. Freeman  
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Attorney for Applicant

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Dated: February 19, 2002